

# GUIDANCE ON THE PROCESS OF INFORMAL CONSULTATIONS ON THE DRAFT RESOLUTIONS AND DRAFT DECISIONS TO BE ADOPTED BY THE UNITED NATIONS ENVIRONMENT ASSEMBLY AT ITS SIXTH SESSION

## I. Introduction

1. In accordance with established practice, the Committee of Permanent Representatives (CPR) will conduct informal consultations on the draft resolutions and decisions to facilitate adoption by the United Nations Environment Assembly (UNEA) at its sixth session. Informal consultations under the auspices of the CPR subcommittee during the months of January and February 2024 will be followed by line-by-line negotiations during the sixth meeting of the Open-ended CPR (OECPR-6) scheduled for 19-23 February 2024, with a view to reaching consensus on all draft resolutions and decisions as far as possible.
2. Upon completion of its work, the Chair of the Committee of Permanent Representatives will report to the UNEA opening plenary and recommend referral of those draft resolutions and decisions that have been agreed *ad ref* to the final meeting of UNEA-6 for adoption. The Chair will also inform UNEA about drafts that will require further negotiations (see also section XIV below).
3. All draft resolutions and decisions, as well as relevant other information relating to the drafts, such as Secretariat Technical Notes and text proposals from delegations, is made available on the [UNEA-6 Resolution Portal](#).
4. In accordance with the [guidance to Member States on the submission of draft resolutions and decisions to UNEA-6](#) endorsed by the UNEA and CPR Bureaux, the UNEA President and the CPR Chair will, with the support of the Secretariat and the regional groups, appoint Nairobi-based delegates as co-facilitators to lead the informal consultations, consider possible clustering of similar or related drafts, and propose a schedule of CPR subcommittee meetings for the consultations in the leadup to OECPR-6. The latest clustering is made available on the following [link](#), and the schedule of meetings is outlined in the Roadmap for UNEP Governing Bodies, available [here](#).

## II. Consultation process for draft resolutions and decisions during the intersession period between the 10<sup>th</sup> annual subcommittee meeting of the CPR and OECPR-6

5. During the CPR subcommittee meetings to be held on 11 and 16 January 2024, the Chair of the CPR will invite the proponents/main sponsor(s) of draft resolutions and decisions to introduce their proposals, followed by a session of initial questions and answers with Member States, observers and Stakeholders. The presentation and questions and answers sessions are anticipated to continue at subsequent meeting of the subcommittee scheduled for 23 January 2024.
6. It is further expected that the Committee will take stock of progress made at its regular meeting on 25 January 2024, and recommend that the consultations on draft resolutions/decisions continue under the guidance of the appointed co-facilitators. Subject to the agreement of the proponents, the ownership of the draft resolutions and decisions would thus be transferred from the proponents to the co-facilitators for the remainder of the consultations and negotiations.
7. Additional subcommittee meetings are planned for 30 January, and 1, 6 and 8 February, whereby the informal consultations on draft resolutions and decisions would continue, under the leadership of the Chair of the CPR and the appointed co-facilitators.

8. In the past, line-by-line negotiations of a draft resolution/decision have not taken place before the OECPR, however, in depth consideration of the drafts paragraph by paragraph led by the co-facilitators, contributed to advancing the preparations for the OECPR.<sup>1</sup>

### III. Mandate and responsibilities of the co-facilitators

9. Following the formal introductions of draft resolution and decisions and 1-2 rounds of questions and answers, and after the stock-taking meeting at the 165<sup>th</sup> meeting of the CPR on 25 January, the co-facilitators are consequently expected to convene open, inclusive and transparent informal consultations held in-person and online under the auspices of the CPR subcommittee. Capital-based delegates are encouraged to participate in the informal consultations which are being held in a hybrid format.
10. In addition, the co-facilitators may also organize separate additional *informal informal* meetings with proponents of draft resolutions and decisions and with interested delegations and representatives from regional and political groups, as well as with Major Groups and Stakeholders (see section VIII).
11. Subject to confirmation by OECPR-6, the co-facilitators will continue to hold consultations until the end of that meeting, or until consensus has been found on individual drafts through *ad ref* agreements. These consultations will take the form of text-based line-by-line negotiations of the draft resolutions/decisions. To facilitate the negotiations, the Secretariat will make available screen editors to facilitate *in situ* recording of textual proposals to the drafts directly on screen in the conference room. After each informal consultation, the Secretariat will also make available the updated versions of the draft resolutions/decisions reflecting the latest status of discussions on the [UNEA-6 Resolution Portal](#).
12. Agreements on a text are marked as “[agreed ad ref]”, after each paragraph. In cases where agreement cannot be reached on the text, text should be bracketed, with the respective positions of delegations clearly identified.

### IV. Support from the Secretariat

13. Throughout their mandate, the co-facilitators will be provided technical, procedural and substantive support from the Secretariat, which includes:
  - i. Advice on the conduct and facilitation of the meetings, based on established practice and past precedent.
  - ii. Preparation of technical notes for all delegations with 1) information on how the draft resolutions or decisions relate to UNEP’s medium-term strategy and programme of work; 2) a legal assessment; and 3) budgetary considerations.
  - iii. Screen editing and editorial review of draft resolutions and decisions, to keep track of the textual proposals to the drafts, and to track the positions of delegations
  - iv. Provision of conference support staff to facilitate online access, booking of rooms and announcement of meetings.

---

<sup>1</sup> See also paragraph 13 of the [final outcome of the Consensual Process for Review by the Committee of Representatives](#)

- v. Support from the relevant/appropriate Division on the substantive content of the drafts and proposed changes.
- vi. Legal support, including on whether the draft resolutions or decisions 1) relate to mandates of the United Nations, the United Nations Environment Programme or Multilateral Environmental Agreements, 2) are in conformity with international standards, including the law and practice of the United Nations, 3) align, contrast or overlap with existing legal instruments, such as previous Governing Council (GC) or UNEA Resolutions and decisions, MEAs and others.

#### **V. Format of the informal consultations**

- 14. Consultations on draft decisions and resolutions led by the co-facilitators under the CPR are informal in nature and will be conducted in a hybrid (in person and online) format to allow for both Nairobi as well as capital-based delegates to connect and actively contribute. The meetings are held in English.
- 15. Representatives from Member States, members of the specialized agencies<sup>2</sup> (Observer States) and the Regional Economic Integration Organizations (REIOS, i.e. European Union) should be given the floor in the order of inscription, i.e. in the order in which they signify their desire to speak with priority given to regional and political groups. In the unlikely event that the online platform fails or ends prematurely, the meeting may be suspended until the online connection is restored. Screen editing will also be visible to participants joining on-line.
- 16. In the spirit of rule 68 of the UNEA rules of procedure, Observer States and REIOS participate equally with Member States in making textual proposals to draft resolutions and decisions.
- 17. Regarding the participation of accredited intergovernmental and non-governmental organizations, see section VII and VIII below.

#### **VI. Applicability of the rules of procedure of the United Nations Environment Assembly**

- 18. Rules of procedure of the Environment Assembly do not apply to the informal consultations on the draft resolutions and decisions. However, the rules can nevertheless serve as a guide to the co-facilitators.
- 19. In addition, the co-facilitators should rely on the [guidance to Member States on the submission of draft resolutions and decisions to UNEA-6](#) as endorsed by the UNEA and CPR Bureaux.
- 20. As these consultations are informal, all discussions and negotiations should focus on the content of the draft resolutions and decisions and requests for points of order from States should thus be discouraged. Should a State insist upon applying a right of reply, it may be granted.

#### **VII. Participation of UNEA accredited intergovernmental/international organizations**

- 21. Accredited intergovernmental/international organizations, multilateral environmental agreements and regional environmental agreements accredited to the Environment Assembly can provide technical advice on the wording of the draft resolutions and decisions, as well as information on their work, to the extent that it is relevant for the discussion of a draft

---

<sup>2</sup> Cook Islands, Holy See, Niue, State of Palestine

resolution/decision. They can also be invited to make general statements. However, they cannot make textual proposals which should instead be made through the Secretariat.

#### **VIII. Participation of Major Groups and Stakeholders accredited to UNEP and its governing bodies**

22. At the discretion of the Chair and the co-facilitators, and subject to agreement by Member States, representatives of Major Groups and Stakeholders accredited to UNEP and its governing bodies may attend and listen to the proceedings and at the discretion of the co-facilitators may also make general statements typically at the end of the consideration of a specific draft resolution when Member States have exhausted their interventions. Should an accredited Major Group and/or Stakeholder wish to make a concrete textual proposal, the Group should be encouraged to do so through a Member State. General comments on the drafts from accredited Major Groups and Stakeholders may be posted on the [UNEA-6 Resolution Portal](#). For UNEA-6, accredited Major Groups and Stakeholders have identified dedicated focal points for some resolutions. The list can be accessed [here](#).
23. As recommended [during the tenth annual subcommittee meeting of the CPR](#), the co-facilitators are encouraged to organize, as appropriate, early consultations with Major Groups and Stakeholders, to collect views and positions on draft resolutions for possible consideration by Member States, and proponents of draft resolutions and decisions are encouraged to engage with the Major Groups and Stakeholders Facilitating Committee, with the support of the Secretariat.

#### **IX. Written contributions**

24. The co-facilitators should encourage delegations to provide in writing their contributions and comments on draft resolutions and decisions made from the floor during the negotiations.
25. General statements relating to draft resolutions or decisions submitted to the Secretariat will be posted on the subcommittee meeting portal and may also be uploaded by the Member State directly through the “submit written contributions” form on the [UNEA-6 resolution portal](#).
26. Proposed textual changes that have been introduced at a meeting should be uploaded directly by the Member State on the [UNEA-6 resolution portal](#) through the “submit written contributions” form or may be submitted to the Secretariat for uploading on the UNEA-6 resolution portal.

#### **X. Merging and or withdrawal of draft resolutions and draft decisions**

27. Where two or more draft resolutions or decisions relate to a same or similar topic, the co-facilitators may work with the sponsors of the drafts, with the technical support of the Secretariat and with the consent of those participating in the discussions, in order to merge the texts with a view to arriving at one single proposal, avoiding duplication of work.
28. The main sponsor of a draft resolution/decision may at any time withdraw its proposal unless another Member State wishes to assume responsibility for that same proposal, possibly in an amended form.

## **XI. “Informal informal” consultations**

29. “Informal informals” consultations may take place outside the CPR meetings, to allow the co-facilitators to consult with Member States in a more informal setting, often in smaller meeting rooms, in order to discuss particularly challenging proposals and to move the discussion of a draft resolution or decision forward. Delegates who wish to do so should be able to join such meetings online, as facilitated by the Secretariat.

## **XII. Follow-up to the informal consultations**

30. All draft resolutions as well as any comments submitted in writing on the draft resolutions/decisions will be made available online by the Secretariat on a dedicated password-protected [UNEA-6 resolution portal](#). The portal is open to Member States, Observer States, the European Union and accredited intergovernmental/international organizations and Major Groups and Stakeholders. Individuals will have to create a profile online using a dedicated login form which will be reviewed and approved by the secretariat.
31. The purpose of the UNEA resolutions portal is to capture all relevant information related to the draft resolutions, including all versions of the drafts, dates of submission, co-sponsorships, relevant contact information, concept notes, secretariat technical notes, delegation positions and proposed changes, and other relevant background information.

## **XIII. Report on the work of the co-facilitators**

32. The co-facilitators are expected to regularly report on progress with respect to their work to the Chair, to the Bureau of the CPR, or to the CPR meetings directly.
33. In this regard, the co-facilitators of each cluster may be requested to brief the membership on the progress of the consultations on the draft resolutions and decisions, highlight outstanding questions, points of difference as well as convergence, and possible efforts to merge certain texts.

## **XIV. Outcomes of the consultations**

34. Once consensus has been reached on a draft resolution or decision, the co-facilitators should submit the agreed outcome to the Chair and Bureau of the CPR who will submit it to the Secretariat for issuance as a document of the OECPR. Should consensus not be reached, the document should be issued with bracketed text which would indicate any outstanding issues.
35. Once consensus has been reached on a draft resolution or decision during the meeting of the OECPR, the Committee will take a decision to transmit the draft to the UNEA for adoption at its closing plenary. The OECPR will also transmit any draft resolutions or decisions that require additional consultations to reach consensus to UNEA, for final consideration. UNEA may then establish a Committee of the Whole to finalize negotiations, with the aim of finalizing negotiations on outstanding texts for submission to UNEA-6 for adoption at its closing plenary.
36. If possible, draft resolutions and decisions will be edited and translated by the United Nations Office at Nairobi into the six official languages of the United Nations prior to formal adoption. Final versions ready for adoption will be available on the UNEA-6 Resolutions portal. Once adopted, they will also be made available on the UNEA-6 website.